

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15581 of the Dupont Park Seventh Day Adventist Church, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to continue to operate a child development center as a pre-school and kindergarten for 30 children and four staff on the first and second floors in an R-2 District at premises 3960 Alabama Avenue, S.E., (Square 5517, Parcel 201/129).

HEARING DATE: November 20, 1991  
DECISION DATE: November 20, 1991 (Bench Decision)

SUMMARY ORDER

At the public hearing, the Board granted a request of the applicant to increase the number of children from 30 to 50 as previously approved by the Board under BZA Order No. 14560.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7B. ANC 7B, which is automatically a party to the application, by letter dated November 6, 1991, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 206. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of four years from the date of expiration of the previous certificate of occupancy, terminating on September 3, 1990. The new expiration date shall be September 3, 1994.

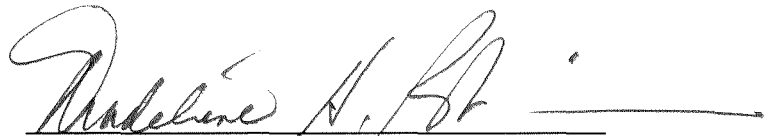
2. The maximum number of students shall be 50.
3. The number of teachers shall be as required by the applicable regulations of the Department of Human Services.
4. The landscaping at the subject site shall be continually maintained in a neat and healthy condition.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Sheri M. Pruitt, Paula L. Jewell, John G. Parsons and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: DEC 16 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15581Order/SS/bhs

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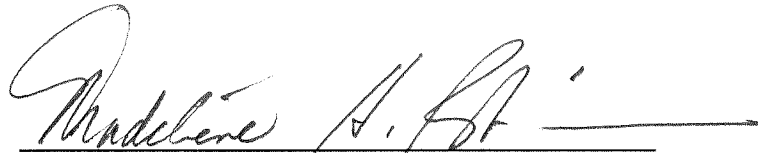
BZA APPLICATION NO. 15581

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 16 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Melvin Seard  
1563 - 41st Street, S.E.  
Washington, D.C. 20020

Dupont Park Seventh Day Adventist Church  
3985 Massachusetts Avenue, S.E.  
Washington, D.C. 20019

Bill O'Field, Chairperson  
Advisory Neighborhood Commission 7-B  
3200 S Street, S.E.  
Washington, D.C. 20020

  
MADELIENE H. ROBINSON  
Acting Director

DATE: DEC 16 1991

15581Att/bhs